

COMMISSION DIRECTIVE 2004/59/EC
of 23 April 2004
amending Council Directive 90/642/EEC as regards the maximum levels for bromopropylate resi-
dues fixed therein
 (Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin including fruit and vegetables ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

(1) Commission Regulation (EC) No 2076/2002 of November 2002 extending the time period referred to in Article 8(2) of Council Directive 91/414/EEC and concerning the non-inclusion of certain active substances in Annex I to that Directive and the withdrawal of authorisations for plant protection products containing these substances ⁽²⁾ allows certain Member States to maintain in force, until 30 June 2007, authorisations for plant protection products containing certain substances, whose non-inclusion in Annex I to Council Directive 91/414/EEC ⁽³⁾ it provides for.

(2) Maximum residue levels (MRLs) reflect the use of minimum quantities of pesticides to achieve effective protection of plants, applied in such a manner that the amount of residue is the smallest practicable and is toxicologically acceptable, in particular in terms of estimated dietary intake.

(3) MRLs are fixed at the lower limit of analytical determination where authorised uses of plant protection products do not result in detectable levels of pesticide residue in or on the food product, or where there are no authorised uses, or where uses which have been authorised by Member States have not been supported by the necessary data, or where uses in third countries resulting in residues in or on food products which may enter into circulation in the Community market have not been supported with such necessary data.

(4) MRLs for pesticides should be kept under review. They may be changed to take account of new uses, new information and data.

(5) Information on essential uses in the framework of Directive 91/414/EEC has been notified to the Commission for bromopropylate. The information provides an adequate basis for an assessment of the intake by European consumers.

(6) Authorisations of bromopropylate are to be withdrawn by 31 July 2007 at the latest. Taking into account the time it takes for residues of bromopropylate to leave the food chain it is appropriate that temporary MRLs related to these essential uses be reviewed by 31 December 2008 at the latest.

(7) The lifetime exposure of consumers to bromopropylate via food products that may contain residues of that pesticide, has been assessed and evaluated. It has been calculated that the MRLs as amended will ensure that the acceptable daily intake is not exceeded.

(8) The acute exposure of consumers to bromopropylate via each of the food products that may contain residues of this pesticide has been assessed and evaluated. It has been calculated that the MRLs as amended will ensure that the acute reference dose is not exceeded.

(9) Therefore it is appropriate to amend the maximum levels for residues of bromopropylate.

(10) Directive 90/642/EEC should therefore be amended accordingly.

(11) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The maximum pesticide residue levels for bromopropylate in Annex II to Directive 90/642/EEC are replaced by those in the Annex to this Directive.

⁽¹⁾ OJ L 350, 14.12.1990, p. 71. Directive as last amended by Commission Directive 2004/2/EC (OJ L 14, 21.1.2004, p. 10).

⁽²⁾ OJ L 319, 23.11.2002, p. 3. Regulation as last amended by Regulation (EC) No 1336/2003 (OJ L 187, 26.7.2003, p. 21).

⁽³⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2004/20/EC (OJ L 70, 9.3.2004, p. 32).

Article 2

1. Member States shall adopt and publish, by 24 October 2004 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply these provisions from 25 October 2004 at the latest.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 23 April 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Groups and examples of individual products to which the MRLs would apply	Pesticide residue and maximum residue level (mg/kg)
	Bromopropylate
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts	
i) CITRUS FRUIT	2 (†)
Grapefruit	
Lemons	
Limes	
Mandarins (including clementines and other hybrids)	
Oranges	
Pomelos	
Others	
ii) TREE NUTS (shelled or unshelled)	0,05 (*)
Almonds	
Brazil nuts	
Cashew nuts	
Chestnuts	
Coconuts	
Hazelnuts	
Macadamia	
Pecans	
Pine nuts	
Pistachios	
Walnuts	
Others	
iii) POME FRUIT	2 (†)
Apples	
Pears	
Quinces	
Others	

Groups and examples of individual products to which the MRLs would apply	Pesticide residue and maximum residue level (mg/kg)
	Bromopropylate
iv) STONE FRUIT	0,05 (*)
Apricots	
Cherries	
Peaches (including nectarines and similar hybrids)	
Plums	
Others	
v) BERRIES AND SMALL FRUIT	
a) Table and wine grapes	2 (†)
Table grapes	
Wine grapes	
b) Strawberries (other than wild)	0,05 (*)
c) Cane fruit (other than wild)	0,05 (*)
Blackberries	
Dewberries	
Loganberries	
Raspberries	
Others	
d) Other small fruit and berries (other than wild)	0,05 (*)
Bilberries	
Cranberries	
Currants (red, black and white)	
Gooseberries	
Others	
e) Wild berries and wild fruit	0,05 (*)
vi) MISCELLANEOUS	0,05 (*)
Avocados	
Bananas	
Dates	
Figs	
Kiwi	

Groups and examples of individual products to which the MRLs would apply	Pesticide residue and maximum residue level (mg/kg)
	Bromopropylate
Kumquats	
Litchis	
Mangoes	
Olives	
Passion fruit	
Pineapples	
Pomegranate	
Others	
2. Vegetables, fresh or uncooked, frozen or dry	
i) ROOT AND TUBER VEGETABLES	0,05 (*)
Beetroot	
Carrots	
Celeriac	
Horseradish	
Jerusalem artichokes	
Parsnips	
Parsley root	
Radishes	
Salsify	
Sweet potatoes	
Swedes	
Turnips	
Yam	
Others	
ii) BULB VEGETABLES	0,05 (*)
Garlic	
Onions	
Shallots	
Spring onions	
Others	

Groups and examples of individual products to which the MRLs would apply	Pesticide residue and maximum residue level (mg/kg)
	Bromopropylate
iii) FRUITING VEGETABLES	
a) Solanacea	
Tomatoes	1 (†)
Peppers	
Aubergines	
Others	0,05 (*)
b) Cucurbits — edible peel	0,05 (*)
Cucumbers	
Gherkins	
Courgettes	
Others	
c) Cucurbits-inedible peel	0,05 (*)
Melons	
Squashes	
Watermelons	
Others	
d) Sweet corn	0,05 (*)
iv) BRASSICA VEGETABLES	0,05 (*)
a) Flowering brassica	
Broccoli (including Calabrese)	
Cauliflower	
Others	
b) Head brassica	
Brussels sprouts	
Head cabbage	
Others	
c) Leafy brassica	
Chinese cabbage	
Kale	
Others	
d) Kohlrabi	

Groups and examples of individual products to which the MRLs would apply	Pesticide residue and maximum residue level (mg/kg)
	Bromopropylate
v) LEAF VEGETABLES AND FRESH HERBS	0,05 (*)
a) Lettuce and similar	
Cress	
Lamb's lettuce	
Lettuce	
Scarole (broad-leaf endive)	
Others	
b) Spinach and similar	
Spinach	
Beet leaves (chard)	
Others	
c) Water cress	
d) Witloof	
e) Herbs	
Chervil	
Chives	
Parsley	
Celery leaves	
Others	
vi) LEGUME VEGETABLES (fresh)	
Beans (with pods)	1 (†)
Beans (without pods)	
Peas (with pods)	
Peas (without pods)	
Others	0,05 (*)
vii) STEM VEGETABLES (fresh)	0,05 (*)
Asparagus	
Cardoons	
Celery	
Fennel	

Groups and examples of individual products to which the MRLs would apply	Pesticide residue and maximum residue level (mg/kg)
	Bromopropylate
Globe artichokes	
Leek	
Rhubarb	
Others	
viii) FUNGI	0,05 (*)
a) Cultivated mushrooms	
b) Wild mushrooms	
3. Pulses	0,05 (*)
Beans	
Lentils	
Peas	
Others	
4. Oilseeds	0,1 (*)
Linseed	
Peanuts	
Poppy seed	
Sesame seed	
Sunflower seed	
Rape seed	
Soya bean	
Mustard seed	
Cotton seed	
Others	
5. Potatoes	0,05 (*)
Early potatoes	
Ware potatoes	

Groups and examples of individual products to which the MRLs would apply	Pesticide residue and maximum residue level (mg/kg)
	Bromopropylate
6. Tea (dried leaves and stalks, fermented or otherwise, <i>Camellia sinensis</i>)	0,1 (*)
7. Hops (dried), including hop pellets and unconcentrated powder	0,1 (*)

(*) Indicates lower limit of analytical determination.

(†) Indicates that the maximum level has been established temporarily until 31 December 2008 to accommodate an essential use in accordance with Regulation 2076/2002/EC.